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H.663

Introduced by Representatives McFaun of Barre Town, Brumsted of
Shelburne, Haas of Rochester, Nicoll of Ludlow, Noyes of
Wolcott, Pajala of Londonderry, Pugh of South Burlington,
Rosenquist of Georgia, Till of Jericho, and Wood of Waterbury

Referred to Committee on

Date:

Subject: Health; Department of Health; schools; contraceptives

Statement of purpose of bill as introduced: This bill proposes to require health insurance plans to cover all methods and forms of contraceptives without cost-sharing. It would also require school districts to make free over-the-counter contraceptives available to all secondary school students and would direct the Department of Health to coordinate with stakeholders to make free over-the-counter contraceptives available in a variety of settings statewide.

An act relating to expanding access to contraceptives

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 8 V.S.A. § 4099c is amended to read:

§ 4099c. REPRODUCTIVE HEALTH EQUITY IN HEALTH INSURANCE
COVERAGE

* * *

1 (c) A health insurance plan shall provide coverage without any deductible,
2 coinsurance, co-payment, or other cost-sharing requirement for ~~at least one~~
3 ~~drug, device, or other product~~ all drugs, devices, and other products within
4 each method of contraception for women identified by the U.S. Food and Drug
5 Administration (FDA) and prescribed by an insured's health care provider.

6 (1) The coverage provided pursuant to this subsection shall include
7 patient education and counseling by the patient's health care provider
8 regarding the appropriate use of the contraceptive method prescribed.

9 ~~(2)(A) If there is a therapeutic equivalent of a drug, device, or other~~
10 ~~product for an FDA approved contraceptive method, a health insurance plan~~
11 ~~may provide coverage for more than one drug, device, or other product and~~
12 ~~may impose cost sharing requirements as long as at least one drug, device, or~~
13 ~~other product for that method is available without cost sharing.~~

14 ~~(B) If an insured's health care provider recommends a particular~~
15 ~~service or FDA approved drug, device, or other product for the insured based~~
16 ~~on a determination of medical necessity, the health insurance plan shall defer~~
17 ~~to the provider's determination and judgment and shall provide coverage~~
18 ~~without cost sharing for the drug, device, or product prescribed by the provider~~
19 ~~for the insured.~~

20 (2) A health insurance plan shall not provide coverage pursuant to this
21 subsection to the extent that such coverage would disqualify a high-deductible

1 health plan from eligibility for a health savings account pursuant to 26 U.S.C.
2 § 223.

3 * * *

4 Sec. 2. 16 V.S.A. § 132 is added to read:

5 § 132. SECONDARY SCHOOLS; PROVISION OF CONTRACEPTIVES

6 In order to prevent or reduce unintended pregnancies, each school district
7 shall coordinate with the Department of Health to distribute and make
8 available to all students in its secondary schools, free of charge, over-the-
9 counter contraceptive devices and products.

10 Sec. 3. 18 V.S.A. § 12 is added to read:

11 § 12. PROVISION OF CONTRACEPTIVES

12 In order to prevent or reduce unintended pregnancies, the Department of
13 Health shall coordinate with health care providers, school districts, public and
14 private colleges and universities, and other stakeholders to distribute and make
15 available, free of charge, over-the counter contraceptive devices and products
16 to individuals in a variety of settings statewide.

17 Sec. 4. EFFECTIVE DATES

18 (a) Sec. 1 (8 V.S.A. § 4099c) shall take effect on January 1, 2021 and shall
19 apply to group health insurance plans issued on and after January 1, 2021 on
20 such date as a health insurer offers, issues, or renews the plan, but in no event
21 later than January 1, 2022.

1 (b) The remainder of this act shall take effect on July 1, 2020.